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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,421

06/30/2005

Mario Clerici

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05/15/2009

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EXAMINER

BAUSCH, SARAE L

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

05/15/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1634

### CONTINUATION

1. The amendment filed 05/04/2009 under 37 CFR 1.116 in reply to the final rejection has NOT been entered. The final office action, mailed 11/04/2008, is maintained.

The proposed amendment to newly added claim 21 raises new issues that would require further consideration and/or search. The newly added claim introduces new issues under 35 USC 102 and 112, 2<sup>nd</sup> that would require further consideration. It is noted that the claim is not commensurate in scope with any of the previously rejected claim, for example either claim 1 or 4 as the claimed process step of claim 21 does not correlate back to the preamble of the claim, therefore the only process step of the claim is determining allelic variants present at SNP loci of IL-10, IL-6 and ApoE4 and thus raises new issues that require further consideration and search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarae Bausch whose telephone number is (571) 272-2912. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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/Sarae Bausch/  
Primary Examiner, Art Unit 1634

Application/Control Number: 10/516,421

Page 3

Art Unit: 1634